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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
SEATTLE DIVISION

9 DEAN GRIBBLE, SR., as an individual,

10 Plaintiff,

11 v.

12 ALASKA BOAT COMPANY and
13 PATRICIA LEE LLC,

14 Defendants.

IN LAW AND ADMIRALTY

Case No. 2:22-cv-1148

**SEAMAN'S COMPLAINT FOR
PERSONAL INJURY UNDER THE
JONES ACT, 46 USC § 30104, AND
THE GENERAL MARITIME LAW
AND FOR MAINTENANCE AND
CURE**

**Rule 28 USC 1916 Seaman to Sue
Without Prepayment of Costs**

JURY DEMAND REQUESTED

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18 COMES NOW Plaintiff **DEAN GRIBBLE, SR.** (hereinafter "Gribble" or "Plaintiff"), by
19 and through his counsel of record, Joseph S. Stacey and James P. Jacobsen of Stacey & Jacobsen,
20 PLLC, alleges for his Complaint against Defendant as follows:

21 **I. JURISDICTION**

22 1.1 This is a claim for personal injuries *in personam* sustained by a seaman in the course
23 and scope of his employment aboard a commercial fishing vessel PATRICIA LEE. Plaintiff brings
24 this case against his employer and operator of the vessel. Plaintiff DEAN GRIBBLE, SR., is a
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1 seaman within the meaning of the Merchant Marine Act of 1920, 46 U.S.C. § 30104, *et. seq.*,
 2 commonly known as the Jones Act. Jurisdiction is vested in this Honorable Court pursuant to 46
 3 U.S.C. § 30104, which incorporates by reference 45 U.S.C. § 56 (providing for Federal Court
 4 jurisdiction), and 28 U.S.C. § 1331.

5 **II. THE PARTIES**

6 2.1 At all relevant times, Plaintiff DEAN GRIBBLE, SR., was a Jones Act seaman in
 7 the service of F/V PATRICIA LEE. Mr. Gribble is a resident and citizen of the State of
 8 Washington.

9 2.2 Defendant Patricia Lee LLC is licensed to do and is doing business in the State of
 10 Washington, and at all times relevant hereto, owned and operated F/V PATRICIA LEE.
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12 2.3 Defendant Alaska Boat Company is licensed to do and is doing business in the State
 13 of Washington, and at all times relevant hereto, employed the Plaintiff as a seaman on F/V
 14 PATRICIA LEE.

15 **III. LIABILITY**

16 3.1 On or about February 4, 2019, while in the course of his employment with the
 17 Defendant and while in the service of F/V PATRICIA LEE, Plaintiff was severely injured as a
 18 result of the negligence of the Defendant and/or the unseaworthiness of F/V PATRICIA LEE.
 19 Defendant may have breached State and/or Federal laws and/or regulations (hereafter, also referred
 20 to as negligence and/or unseaworthiness).
 21

22 3.2 Plaintiff was working on F/V PATRICIA LEE as a captain when he was injured.

23 3.3 Prior to plaintiff's injury, plaintiff ordered the engineer to transfer fuel and other
 24 things from one side of the vessel to the other to correct a list.
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1 3.4 Plaintiff was injured when the vessel had a list which became more severe after
2 Plaintiff asked the engineer to transfer to correct the list. Plaintiff was thrown from his bunk and
3 across his state room.

4 3.5 Plaintiff smashed into a built-in dresser and then fell to the ground hitting his head
5 knocking him unconscious.

6 3.6 Plaintiff woke up on the state room floor and laid there for a few minutes trying to
7 get his bearings, got up and went into the restroom in the state room and vomited, and then washed
8 his face and noticed a lump on his forehead, as well as having a headache and his body being
9 extremely sore.

10 3.7 Plaintiff contacted the 24-hour Medical Service and spoke with a doctor regarding
11 his injuries and an 8-hour concussion protocol was initiated for Plaintiff to call in every 30 minutes
12 and check in.

13 3.8 At the time, the bunk in the captain's state room did not have "lee rails" to prevent
14 falling or rolling off the bunk.

15 3.9 Railings on a bunk at sea are required to make the vessel reasonably fit.

16 3.10 Industry standards and guidelines require railings on bunks at sea.

17 3.11 The bunk was not fit for its intended purpose.

18 3.12 Defendant's authorized representative granted a binding extension of time to file
19 this lawsuit beyond the 3-year statute of limitations.
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21 **IV. NO COMPARATIVE FAULT**

22 4.1 At the time of his injury, Plaintiff was acting in the usual and expected manner.

23 4.2 Plaintiff is not at fault in causing his injury.
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V. NO ASSUMPTION OF THE RISK

5.1 Plaintiff is a seaman and, as a matter of law, cannot assume the risk of injury.

VI. DAMAGES

6.1 As a direct and proximate result and/or legal cause of the negligence of the Defendant, and the unseaworthiness of F/V PATRICIA LEE, Plaintiff sustained multiple injuries, including but not limited to his head, right eye, right ear, brain, and other parts of the body which resulted in significant and permanent damage, disability, and impairment. The full extent of his injuries is presently undetermined. Plaintiff currently suffers vision issues with streaking lights on the sides of his eyes, headaches, sensitivity to sound, pressure beyond his right eye where he took the brunt of the fall, sleep issues, memory loss, and concentration problems. Plaintiff has suffered pain, anguish, and disability in the past and will in the future. He has incurred medical expenses in the past and may in the future. The full extent of the permanent impairment to his wage-earning capacity is presently undetermined. He has lost wages in the past and will lose wages in the future. Plaintiff also will incur additional economic damages, including the need to pay for certain services that, prior to his injury, he could do for himself.

VII. MAINTENANCE, CURE AND UNEARNED WAGES

7.1 Defendant, by reason of the injuries received by Plaintiff in the course of his employment on board F/V PATRICIA LEE, is liable to Plaintiff for his provable entitlements.

VIII. JURY DEMAND

8.1 Pursuant to F.R.C.P. 38, demand is hereby made that the above-captioned case be tried by a jury.

WHEREFORE, Plaintiff prays for a judgment, in accordance with the evidence to be presented at the time of trial and as may be permitted under the General Maritime Law and the

1 Jones Act, for all general and special damages permitted under the law, including but not limited
2 to: maintenance and cure, entitlements, lost wages both past and future, services, pain and suffering
3 both past and future, anguish, permanent disability, past medical bills, future medical bills, future
4 attendant care expenses, anguish and loss of life's enjoyments, together with taxable costs,
5 maritime prejudgment interest, and attorney fees. Plaintiff further prays for all remedies and *in*
6 *personam* under this Court's legal and equitable jurisdiction.

7 DATED this 16th of August, 2022.

8 STACEY & JACOBSEN, PLLC

9
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